

Appl. No. 10/811,160
Atty. Docket No. 9596
Amdt. dated April 5, 2007
Reply to Office Action mailed February 27, 2007
Customer No. 27752

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REMARKS

Claims 1, 9, and 16 have been amended to claim an apparatus for slabbing a roll comprising, *inter alia*, a transport element that further comprises roll engaging elements. Support for the current amendment to Claims 1, 9, and 16 can be found in Applicants' Specification on page 3, lines 9-14, and FIGS. 1-3, as originally presented. No new matter has been presented in amended Claims 1, 9, and 16 by virtue of the instant amendment. Claims 1, 3-7, 9, 11-14, 16, and 18-19 remain pending in the instant Application and are presented for the Examiner's review in light of the above amendments and the following comments.

Rejection Under 35 U.S.C. §103

Claims 1, 3-7, 9, 11-14, 16, 18-19 have been rejected under 35 U.S.C. §103(a) over *McCay, et al.*, U.S. Patent No. 4,506,575, in view of *Watanabe, et al.*, U.S. Patent No. 4,821,971. Previous arguments made with regard to the *McCay* and *Watanabe* references remain in effect but will not be repeated for the sake of brevity.

As presented herein by amendment, Applicants have amended Claims 1, 9, and 16 to further define the transport element capable of engaging the roll to further comprise roll engaging elements. As articulated in Applicants' Specification, the roll engaging elements penetratingly engage the core of the roll. As Applicants provide by way of example as or after the roll engaging elements engage the core of the roll, the roll may be transported from a roll engaging position to a slabbing position within the same apparatus.

For "claimed subject matter [to be] obvious in view of a combination of prior art references", the prior art must suggest the combination to one of ordinary skill in the art and reveal that one of such skill would have a reasonable expectation of success in carrying out the invention. "Both the suggestion and the reasonable expectation of success must be founded in the prior art." *See In re Vaeck*, 947 F.2d 488, 493, U.S.P.Q.2d 1438 (Fed. Cir. 1991) What is clear is that the art cited by the Examiner does not teach, disclose, or even remotely suggest providing for an apparatus for slabbing a roll having a transport element comprising roll engaging elements as claimed herein. As disclosed by Applicants, the roll engaging elements penetratingly engage the core of the

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roll. In other words, a roll processed by the instant apparatus would be supported by the core centrally located with respect to the circumference of the roll. The weight of a roll using the *Watanabe* reference conveyor would be supported by the external surface of the roll. This is not what Applicants claim as their invention. Indeed, the *McCay* and *Watanabe* references, alone or in combination, provide no disclosure, teaching, or even a modicum of a suggestion that could indeed render the instant claims obvious under 35 U.S.C. §103(a). Absent any such disclosure, teaching, or suggestion, the *McCay* and *Watanabe* references, alone or in combination, cannot and indeed do not, suggest Applicants' claimed apparatus for slabbing a roll. Therefore, Applicants respectfully request withdrawal of the Examiner's 35 U.S.C. §103(a) rejection to Claims 1, 9, and 16 and all claims dependent thereon over the *McCay* and *Watanabe* references.

Conclusion

Based on the foregoing, it is respectfully submitted that each of Applicants' remaining claims is in condition for allowance and favorable reconsideration is requested.

This response is timely filed pursuant to the provisions of 37 C.F.R. §1.8 and M.P.E.P. §512, and no fee is believed due. However, if any additional charges are due, the Examiner is hereby authorized to deduct such charge from Deposit Account No. 16-2480 in the name of The Procter & Gamble Company.

Respectfully submitted,
THE PROCTER & GAMBLE COMPANY

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